

**Form 1B. Waiver of Service of Summons**

TO: Gerald E. Ross  
Fryer & Ross LLP  
Attorneys for plaintiff  
551 Fifth Avenue  
New York, New York 10176

I acknowledge receipt of your request that I waive service of a summons in the action *Lopes v. Mellon Investor Services LLC, et al.*, Index No. 07 CV 592 (DLC) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after July 14, 2007, or within 90 days after that date if the request was sent outside the United States.

7/17/07 Robert M. Frumberg  
Date Signature

Printed/typed name [check box]: ROBERT. M. FRUMBERG

- ☐ Wachovia Corporation  
Wachovia Bank, N.A.  
Wachovia/First Union Bank  
101 North Independence Mall E.  
Philadelphia Pennsylvania 19106
- ☐ JP Morgan Chase & Co.  
270 Park Avenue  
New York, New York 10017
- ☒ Mellon Investor Services LLC  
480 Washington Boulevard  
Jersey City, New Jersey 07310